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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/291,983	04/15/99	MARTIN	J PM-259035

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EXAMINER

DEXTER, C

ART UNIT	PAPER NUMBER
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3724

DATE MAILED:

03/28/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/291,983

Applicant(s)

Martin et al.

Examiner

Clark F. Dexter

Group Art Unit

3724



☒ Responsive to communication(s) filed on Mar 13, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) 10-15 and 17-22 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 and 16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group I (claims 1-9 and 16) in the response filed March 13, 2000 (paper #7) is acknowledged. Claims 10-15 and 17-22 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected invention.

Information Disclosure Statement

2. The information disclosure statement filed June 17, 1999 (paper #2) has been received and the references listed thereon have been considered.

Drawings

3. The drawings are objected to for the following reasons:

In Figure 5, the lead line for numeral 50 renders the drawing unclear and appears to be inaccurate, and it seems that it should end in an arrow head, and it seems that numeral 58 with a lead line extending to the threaded element should be added.

Appropriate correction is required.

Art Unit: 3724

Abstract

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because of the recitation in line 1 that "The present invention provides a" and it seems that this recitation should be changed to read --A-- or the like. Correction is required. See MPEP § 608.01(b).

Specification

6. The disclosure is objected to because of the following informalities:

On page 6, lines 31-33 and on page 7, lines 2-4 and lines 17-18, the description is unclear as to how rotation of the abutment member 64 causes the head 60 and rod 58 to rotate.

On page 7, line 2, "64" should be deleted and reinserted after "member" for clarity.

On page 8, line 7, "and" appears to be inaccurate, and it seems that it should read --of-- or the like.

Art Unit: 3724

On page 9, lines 7-8[✓] are confusing as to which version of the hacksaw is being described, and it seems that in line 7 “10” should read --110--, and in line 8[✓], “and is generally designated 110” should be deleted for clarity.

On page 10, line 8[✓], it seems that “the clear” should read --clear--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. Claims 1-9 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 14[✓], “carried by the hacksaw” renders the limitation vague and indefinite since it is not clear how the first blade structure can be both part of and carried by the hacksaw, and it seems that “hacksaw” should be changed to --frame member-- or the like; in line 17[✓], “carried by the hacksaw” renders the limitation vague and indefinite since it is not clear how the second blade structure can be both part of and carried by the hacksaw; in line 20[✓], “constructed and arranged to affect relative movement” is vague and indefinite as to how the blade tensioning device is “constructed and arranged” to perform the recited function; in lines 23-24[✓], “constructed and arranged to affect relative movement” is vague and indefinite as to how the tensioning device is “constructed and arranged” to perform the recited function; in lines 26-28[✓], “constructed and arranged such that ...” is vague and indefinite as to how the frame member is “constructed and

Art Unit: 3724

arranged" to perform the recited function; line 28[✓] is awkwardly worded and it seems that a word such as --through-- is missing after "distributed"; in line 29[✓], structural cooperation is lacking for "a manually engageable handle"; in lines 29-30[✓], "constructed and arranged to be manually grasped" is vague and indefinite as to how the handle is "constructed and arranged".

In claim 2, line 3[✓], "below the blade" is vague as to which direction "below" refers, particularly with respect to the orientation between the blade and the frame.

In claim 3, line 5[✓] and 10[✓], "below the blade" is vague as to which direction "below" refers.

In claim 4, line 2, "circumference" renders the limitation vague and indefinite and appears to be inaccurate. ← *

Prior Art

8. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.

Art Unit: 3724

Communications via Internet e-mail regarding this application, other than those under 35 USC 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [rinaldi.rada@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 USC 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
March 27, 2000